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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,755	01/27/2000	Zeno Zuffa	33126/GM/ch	1334

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EXAMINER

LUK, EMMANUEL S

ART UNIT PAPER NUMBER

1722

DATE MAILED: 12/10/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-3

Office Action Summary	Application No. 09/492,755	Applicant(s) ZUFFA, ZENO	
	Examiner Emmanuel S. Luk	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

In this case, the reference PCT/EP95/03644 listed in the specification is not provided by the Applicants. The Examiner's attempts to locate this file on the databases have failed, however Alieri (US 5,786,079) happens to be the 371 of said PCT application which is published as WO96/09153. It is advised that Applicants provide the PCT publication number when possible when incorporating by reference.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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4. Regarding claim 1, the phrase "particularly" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
5. Claim 3 recites the limitation "said annular interspace" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alieria in view of Lachner et al.

Alieria teaches a cylindrical jacket (30) provided on a male mold (1) and supported on a rotating carousel structure (35), a sleeve (5) and tubular stem (6) guided on the jacket having a lower annular segment, a plunger guided in the jacket, elastic means for urging the plunger in a raised molding position, a chamber connected to the interspace (8) and tube (7), the chamber connected to the insides of the tube by means of openings (12, 13) formed by tubular tang (4), a plate (3; pan) screwed into the vertical sleeve by means of a tubular tang of the plate, and forming with the stem, the chamber and heretically entered with the wider portion (9) of the sleeve. The upper end of the tube having a plug (15) hermetically accommodated in the sleeve, while radial opening (21, 22) in the sleeve are connected respectively to openings (16, 17) in plug by annular grooves (23, 24) that allows for the delivery and return of a coolant liquid. A bush (25; element) through connectors is hermetically superimposed on the sleeve and two grooves which are connected for the delivery and return of the coolant liquid and having

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a spring (67) between the bush and structure of the carousel (Fig. 1). Compressed air is used to extract the caps from the plunger (3, 9) through an outlet (77) that runs from a channel (76) into a hole (78) that is connected to a source of pressurized air (Col. 6, lines 39-48).

Alieri fails to teach ports, a slender tube located inside the tube connected to the ports, holes and return couplings for supplying compressed air to the slender tube.

Lachner teaches a jacket (5) having a tubular channel and cylindrical interspace (22a, 22b) providing coolant flow, while a slender tube (11; blowing tube) provides pressurized air flow towards the ports (15) in the lower portion (6, 6a) of the mold. Alieri already utilizes pressurized air for releasing the materials from the plunger. However, Lachner teaches the port located at the front of the lower portion of the mold and connected via tube that is located within a larger tube (Fig. 1). Thus, one skilled in the art would recognize the similarities between the structures of molding, use of pressurized air and coolant channels.

It would have been obvious to one of ordinary skill in the art to modify Alieri with the substitution of the gas ejection with a slender tube and ports in the lower portion as taught by Lachner et al because it prevents the cooling agent from reaching the tip, which results the outside of the article cools quicker than the inside of the article at that region, a skin is formed on the outside of the article but the thermolastic material tends to shrink on further cooling, thus, once the skin has formed there is a tendency for air to penetrate from the blowing channel to the outside of the article so that the article separates from the punch (Col. 3, lines 42-53).


Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hehl, Ingram and Murayama et al.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (703) 305-1558. The examiner can normally be reached on Mondays through Thursdays from 6:30 AM to 4:00 PM and alternate Fridays from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on (703) 308-3322. The Rightfax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


NAM NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

E. L.
November 30, 2001